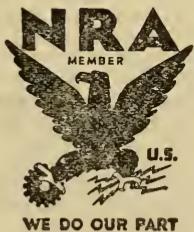


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
TOLL BRIDGE INDUSTRY

AS APPROVED ON DECEMBER 20, 1934



UNITED STATES
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Approved Code No. 431—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TOLL BRIDGE INDUSTRY

As Approved on December 20, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE TOLL
BRIDGE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Toll Bridge Industry, and an opportunity to be heard having been duly afforded to all interested parties and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended. Provided, however, that the first sentence of Section 10 and the whole of Section 12 of Article VI of said Code be and the same are hereby stayed pending further order of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

L. H. PEEBLES,
Acting Division Administrator.

WASHINGTON, D. C.,
December 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article VI of the Code of Fair Competition for the Toll Bridge Industry.

The Code of Fair Competition for the Toll Bridge Industry was approved on May 17, 1934. Article VI, Section 8, provides that:

"(8) Members of the Industry shall sustain their reasonable share of the expenses of the Code Authority and its activities. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable."

The above Section of Article VI in effect provides for voluntary contribution on the part of the members of the Industry. This method of providing funds for the proper administration of the Code has been found to be unsatisfactory. Subsection (e) of the present amendment is therefore proposed to create a legal obligation on the part of the Industry members to pay their pro rata share of the expenses of the Code Authority.

Subsections (a), (b), (c), and (d), of the present amendment pertain to the duties of the Code Authority, and the purpose and effect of these provisions are to bring the Code as amended to conformity with Section 7 of the Standard Outline of the Model Code.

It has developed that Subsection (b) of the proposed amendment is inconsistent with the first sentence of Section 10 of Article VI which specifies that reports be made by members of the Industry to the Code Authority through an impartial agency. It has been found also that paragraph 2 of Subsection (e) of the proposed amendment is inconsistent with Section 12 of Article VI which restricts the use of NRA insignia to members of the Industry who have assented to and are complying with the Code. It is important that the Code Authority be empowered to levy mandatory assessments on members of the Industry since it has not the means to function until these steps are taken. As the amendment contains only model provisions it is preferable that the inconsistent provisions now in the Code be removed. To save time, this has been done by staying such provisions with the understanding that the Code Authority will submit, as soon as possible, an amendment deleting such provisions.

FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code, having found as herein set forth and on the basis of all of the proceedings in this matter:

It finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstruction to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, it has approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TOLL BRIDGE INDUSTRY

The Code of Fair Competition for the Toll Bridge Industry shall be amended by deleting Section 8 of Article VI, and inserting in lieu thereof:

“(8) Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

(b) To obtain from members of the industry such information and reports as are required for the administration of the Code.

(c) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(d) To make recommendations to the National Industrial Recovery Board for the coordination of the administration of this Code and such other codes, if any, as may be related to or affect members of the industry.

(e) 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as herein-after provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions,) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of the prior budget estimates except those which the National Industrial Recovery Board shall have so approved."

Approved Code No. 431—Amendment No. 1.
Registry No. 1713-2-15.



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